

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARK BOWERS,

Plaintiff,

v.

DAVID A. MULLEN, et al.,

Defendants,

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No. 4:14CV1185 JAR

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motions to compel discovery and for appointment of counsel. The motions will be denied.

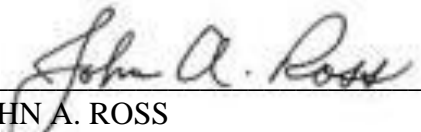
The motion to compel is premature because the Court has not authorized discovery. See E.D. Mo. L.R. 16 - 5.01, 16 - 5.04 (discovery in prisoner cases may not take place until Court enters a Case Management Order). As a result, the motion is denied without prejudice.

"A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case." Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998). When determining whether to appoint counsel for an indigent litigant, the Court considers relevant factors, such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. Id. After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. This case is neither factually nor legally complex. As a result, the motion is denied without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel [ECF No. 13] and motion to compel [ECF No. 14] are **DENIED** without prejudice

Dated this 1st day of October, 2014.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE